

# United States District Court District of Maryland

Charles Cousin,  
Plaintiff,

HD  
Rcv'd by: AN

USDC- BALTIMORE  
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V.

Baltimore Police Department,  
Defendant.

## COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Charles Cousin, for his Complaint against Defendant, Baltimore Police Department, alleges as follows:

### 1. PARTIES

- 1.1. Plaintiff Charles Cousin is an individual who resides in Maryland.
- 1.2. Defendant Baltimore Police Department is a municipal police department based in Baltimore, Maryland.

### 2. JURISDICTION AND VENUE

- 2.1. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 as this case involves questions of federal law including the violation of Plaintiff's Second Amendment rights.
- 2.2. Venue is proper in this district under 28 U.S.C. § 1391(b) as the events giving rise to this claim occurred in this district.

### 3. FACTS

- 3.1. On January 21, 2021, several Baltimore Police Officers arrived at Plaintiff's apartment located at 1327 W Fayette St, Baltimore, Maryland.
- 3.2. The officers were responding to a false burglary call.
- 3.3. The officers aggressively knocked on the door and demanded that Plaintiff come out or they would break down the door.
- 3.4. In fear for his life, Plaintiff complied with the officers' demands. A legally owned shotgun was lying in the middle of the floor.
- 3.5. Plaintiff informed the officers of the shotgun, and they responded that they would "take care of it."
- 3.6. Plaintiff was then unlawfully detained and evicted from his apartment, despite a federal eviction moratorium being in place.
- 3.7. Plaintiff was released from jail the next day, and all charges against him were

dropped.

3.8. Upon returning to his apartment, Plaintiff discovered that his legally owned shotgun (model #MV60105X) and Apple MacBook Air computer were missing.

3.9. Plaintiff immediately contacted the Mayor's office to report the incident and the missing property, which is documented.

3.10. Plaintiff also attempted to file a police report with the Baltimore Police Department. However, he was blocked from entering the station, and when he called the police, the same officers involved in his arrest arrived and refused to allow him to file a report.

3.11. This obstruction left Plaintiff feeling unsafe and forced him to relocate out of state.

3.12. The entire incident was captured on body camera footage.

3.13. Plaintiff had a lease for the apartment at the time of the incident.

3.14. Witnesses are available to corroborate Plaintiff's account of the incident.

#### **4. CAUSES OF ACTION**

##### **4.1. Illegal Arrest and Eviction**

Defendant violated Plaintiff's rights by conducting an unlawful arrest and eviction during a federal eviction moratorium.

##### **4.2. Violation of Second Amendment Rights**

Defendant violated Plaintiff's Second Amendment rights by unlawfully seizing his legally owned shotgun.

##### **4.3. Malicious Prosecution**

Defendant pursued charges against Plaintiff without probable cause, subjecting Plaintiff to malicious prosecution.

##### **4.4. Unlawful Seizure of Property**

Defendant unlawfully seized Plaintiff's legally owned shotgun and Apple MacBook Air computer, depriving him of his property without due process of law.

#### **5. DAMAGES**

5.1. As a direct and proximate result of Defendant's actions, Plaintiff has suffered pain and suffering, emotional distress, and financial loss.

#### **6. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:


6.1. Plaintiff seeks compensation in the amount of \$1.5 million for the unlawful seizure of his property, violation of his constitutional rights, and related damages.

6.2. For a trial by jury on all issues so triable;

6.3. For such other and further relief as the Court deems just and proper.

**Respectfully submitted,**

Charles Cousin



1/3/25

313.737.6345

## References

### Related:

- [1] Section 3-501.1 - Report regarding firearms destroyed, seized, or recovered by the Baltimore Police Department, Md. Code, Pub. Safety 3-501.1
- [2] Section 12.06.01.07 - Registration Responsibilities-Local Law Enforcement Unit, Md. Code Regs. 12.06.01.07
- [3] Section 2-412 - Powers of police employees, Md. Code, Pub. Safety 2-412
- [4] Section 41 - Search and Seizure, Fed. R. Crim. P. 41
- [5] Section 41 - Search and Seizure, Fed. R. Crim. P. 41
- [6] Section Amendment XIV - Rights Guaranteed: Privileges and Immunities of Citizenship, Due Process, and Equal Protection, U.S. Const. amend. XIV